

8. (amended) [The use of a support as claimed in claim 1 in] The analytical measurement method of claim 5 adapted for diagnostic methods, [in research looking for] screening of active substances, [in] combinatorial chemistry, [in] crop protection, [in] toxicology or [in] environmental protection.

Please add the following claim 9.

9. A solid support as claimed in claim 1, wherein an additional surface loading is applied to the hydrophilic measurement zones.

REMARKS

The claims in this application are properly claims 1-8 on the "AMENDED SHEET" as amended in the preliminary amendment filed with the application, and claim 9 added in the present amendment.

Claim 1-8 (incorrectly numbered 1-12) have been rejected under 35 USC 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The instant specification, sentence bridging pages 6 and 7, discloses an optional embodiment in which an additional substance ("loading" in the original claims) is present on the support. It was implicit in the description and explicit in claim 1 that the additional substance was present on the "hydrophilic measurement zones." Claim 1 has been amended as suggested by the Examiner, and the "surface loading" embodiment has been specified in new claim 9.

If the Examiner requires identical language in the descriptive portion of the specification and the claims, amendment of the description can be made without raising the issue of new matter. *In re Benno*, 768, F. 2d 1340, 226 USPQ 683 (Fed. Cir. 1985).

Claim 2 requires "non-continuous hydrophobic zones." The Examiner's remarks concerning claim 2 appear to be based on the claims that are not in this application.

Claim 12 is not in this application. Claim 8, which was somewhat similar, has been amended to be a statutory process claim dependent on claim 5. Support is found in the original claim and pages 7-8 of the specification.

Claims 1-8(1-12) have been rejected under 35 US 102(b) as being anticipated by Matsuda et al. EP 0402 718 (Matsuda), Brennan WO 94/27719 (Brennan), Shalon et al. WO 95/35505 (Shalon) and Fox U.S. 5,041,266 (Fox).

All of the references teach only continuous hydrophobic support surfaces with hydrophilic zones. See Matsuda, Figures 1-3 for example; Brennan, page 7, lines 6-8; Shalon, Fig. 3, 5 and 10 and page 7, lines 30-34; and Fox, column 5, lines 4-14.

It should be noted that, even in the claims that are in the file only as a part of the translated PCT application, claim 3 required "non-continuous hydrophilic zones." A rejection for anticipation, particularly for "clear" anticipation is inappropriate.

In light of the foregoing amendment and remarks, it is considered that all rejections of record have been obviated, and allowance of the instant claims (1-9) is respectfully requested.

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Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'H B Keil', written in a cursive style.

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